

Chairperson Roberts called the regular meeting to order at 6:30 p.m. All seven commissioners were present. Glen Black, Director of Community Development and James Shoopman, City Planner also attended.

Introduction of Pat Dearmin

Chairperson Roberts introduced Pat Dearmin to the Planning Commission.

Election of Chairperson and Vice Chairperson

Commissioner Bell motioned to retain the current chairperson, Gerald Roberts and vice chairperson, Bill Raley.

Commissioner Jahn seconded the motion.

All were in favor and the motion carried.

Minutes

Chairperson Roberts tabled this item until later in the meeting.

Citizen Comments

There were none.

Senteney Minor Subdivision ~ located at 615 1800 Road

Chairperson Roberts opened the public meeting and requested staff's report and recommendations.

The following was presented by James Shoopman, City Planner.

Request

The applicant is requesting that Planning Commission recommend approval of the Paul Senteney Minor Subdivision.

Project Proposal

The Paul Senteney Minor Subdivision proposes to subdivide approximately 19.06 acres into 2 lots for future development.

Normally, lot splits are approved administratively, unless the property being subdivided is not part of a previously recorded subdivision.

The property's zone district is currently A-1 which is intended to "provide a district with a rural atmosphere for residential uses and agriculturally related uses".

Senteney Minor Subdivision ~ located at 615 1800 Road continued...***Minor Subdivision Requirements***

Staff review has found the plat to substantially comply with the minor subdivision requirements of 16.04.090.

Required Improvements, Dedications, and Minimum Design Standards

The following need to be addressed and/or corrected as conditions of approval:

- 1. Corrections need to be made to the plat as redlined & according to staff comments. Once corrected, the applicant will need to provide 2 mylar sets of signed plats.*
- 2. The payment in-lieu-of parks (PILP) fee must be paid before the plat is recorded.*
- 3. The development must comply with all City of Delta requirements and other regulatory/permitting agency requirements.*
- 4. Final plat approval shall expire 90 days from the date of such approval.*

Staff Recommendations

*Staff recommends **approval** of the Paul Senteney Minor Subdivision contingent upon satisfaction of the above items.*

Chairperson Roberts requested the applicant's presentation.

Paul Senteney explained the reasoning behind his split.

Chairperson Roberts requested public comment. There was none.

Chairperson Roberts requested commissioner comments.

Commissioner Bell motioned to recommend approval of the Senteney Minor Subdivision to City Council contingent upon the conditions noted in the staff report.

Commissioner Raley seconded the motion.

All were in favor and the motion carried.

Mason Variance Request ~ located at 263 Main Street

Chairperson Roberts opened the public hearing and asked for staff's report and recommendations.

Request:

The applicant is requesting:

- 1. To change the existing non-conforming structure on the north .05 acre parcel by enclosing the portion of the building that exists within the required 10' alley setback.*
- 2. A variance from the setback requirements of 17.04.220 of the City's Municipal Code, which requires a 10' rear setback (property lines along alleys are considered rear of property), to extend the existing building on the south .07 acre parcel within the 10' alley setback.*

Mason Variance Request ~ located at 263 Main Street continued...***Discussion***

1. *Section 17.04.280.C of the City Municipal Code states the following:*

If the use, building, structure or premises is in compliance with the use regulations for the district within which it is located and is nonconforming only with respect to other requirements of this Chapter, such as dimensional requirements, parking requirements, or the regulations governing fences, hedges, walls, canopies, or standards or prohibitions for factory built housing, the following will apply:

... No alteration may be made to the use, building, or structure which would increase the amount or degree of the nonconforming feature.

2. *The original town site was laid out so that parcels within block 14 either fronted Palmer St. or Main St. Interest in the southern parcel was divided from lots 17-20 of the Delta original town site sometime prior to 1987. Interest in the northern parcel was divided from lots 21-23 of the Delta original town site 1998. The subdivision of these two parcels under review would not be allowed today under our current standards.*
3. *The owner of the parcels in 1998 received a variance from the rear setback requirement upon condition that an agreement be executed that released the City from any claim for damages to the property.*
4. *The City has difficulty maintaining utilities and providing services within alley ways where buildings encroach upon setbacks. Public Works and Utilities recommend that a variance and/or change in non-conforming use **not** be granted (see attached letter).*

Criteria for Approval of a Variance:

According to section 17.04.260 of the City Municipal Code, the Planning Commission may approve a variance from the provisions of this chapter (17), other than the uses specified for any district or restrictions on the location of factory built housing, only if it determines following review pursuant to Section 17.04.290 that the following criteria are substantially met:

1. *The variance will not adversely affect the public health, safety and welfare.*
2. *Unusual physical circumstances exist, such as unusual lot size or shape, topography, or other physical conditions peculiar to the affected property which make it unfeasible to develop or use the property in conformity with the provisions of this Chapter in question.*
3. *The unusual circumstances have not been created as a result of the action or inaction of the applicants, other parties in interest with the applicant, or their predecessors in interest.*
4. *The variance requested is the minimum variance that will afford relief and allow for reasonable use of the property.*
5. *The variance will not result in development incompatible with other property or buildings in the area, and will not affect or impair the value or use or development of other property.*

The Planning Commission may impose conditions of approval as necessary to insure that the above criteria are met including limitations on the effective term of the variance.

Criteria for Approval of a Change in Non-Conforming Use:

According to section 17.04.260 of the City Municipal Code, no conditional use or change in a non-conforming use will be allowed unless the Planning Commission determines the following criteria are substantially met with respect to the type of use and its dimensional features:

1. *The use will not be adverse to the public health, safety or welfare.*

Mason Variance Request ~ located at 263 Main Street continued...

2. *The use is not inconsistent with the City's Master Plan.*
3. *Streets, pedestrian facilities, water, sewer and other public improvements in the area are adequate.*
4. *The use is compatible with existing uses in the area and other allowed uses in the district and the type, bulk, height and location of any buildings or structures is compatible with other buildings, structures and the character of the area.*
5. *The use will not have an adverse effect upon other property values.*
6. *Adequate off-street parking will be provided for the use.*
7. *The location of curb-cuts and access to the premises will not create traffic hazards.*
8. *The use will not generate light, noise, odor, vibration, or other effects which would unreasonably interfere with the reasonable enjoyment of other property.*
9. *Landscaping of the grounds and architecture of any buildings will be reasonably compatible with that existing in the neighborhood.*
10. *Any other criteria specified by other City ordinances or regulations are met.*

The Planning Commission may impose conditions as necessary to ensure that the above criteria are met.

Staff Recommendations:

Staff recommends that Planning Commission deny this request.

Chairperson Roberts requested the applicant's presentation.

Brian Mason stated that when they had bought the building they were not sure what they were going to do with this space. The decision of office spaces was derived from the possible renter's needs that came up during their application process. He talked about the previous variance granted in 1998.

Commissioner Raley asked where the entrance would be.

The builder answered that the entrance would be off of 3rd Street. He went into further details of the products and designs proposed for the new offices.

Mr. Shoopman discussed ingress, egress.

Property deeds were discussed.

Mr. Shoopman stated that his research showed the properties only document as two parcels.

They discussed parking requirements.

Mr. Shoopman further explained that the applicant is actually asking for a conditional use and a variance.

Mason Variance Request ~ located at 263 Main Street continued...

Chairperson Roberts reviewed the motion items: item 1; to change the existing non-conforming structure on the north .05 acre parcel by enclosing the portion of the building that exists within the required 10 foot alley setback, item 2; for a variance from the setback requirements of 17.04.220 of the City Municipal Code, which requires a 10 foot rear setback (property lines along alleys are considered rear of property), to extend the existing building south .07 acre parcel within the 10 foot alley setback. He stated that in the past the approval of the variance was contingent upon the city was removed from all liability for the results of such approval. He stated that he had hoped if this variance was granted today that the owner would hold the city harmless for the whole length of the alley. He suggested that two motions be used to cover these items.

Commissioner Bell motioned to approve the change of use of the building with the following stipulations; that the owner would hold the city harmless for the whole length of the alley, the owner takes responsibility for the building, that the structure will conform to the city building code.

Commissioner Jahn seconded the motion.

All were in favor with the exception of Commissioner Oelke, who voted nay.

Commission Bell motioned to deny a variance from the setback requirements of 17.040.220 of the City's Municipal Code, which requires a 10 ft. rear setback, to extend the existing building on the south side .07 acre parcel within the 10 ft. alley setback.

Commissioner Jahn seconded the motion.

2 were in favor and 5 voted nay on this motion.

Chairperson Roberts requested commissioner comments.

Commissioner Raley motioned to approve a variance from the setback requirements of 17.040.220 of the City's Municipal Code, which requires a 10 ft. rear setback, to extend the existing building on the south side .07 acre parcel within the 10 ft. alley setback.

Commissioner Oelke seconded the motion.

All were in favor with the exception of Commissioners Bell and Jahn whom voted nay.

Review of the Major Street Plan

Staff and commission reviewed the major street plan.

G 50 Road was discussed to be reviewed at the Comp Plan meeting scheduled April 22nd, 2008.

Comprehensive Plan

Mr. Boeschenstein will be meeting with staff this week to discuss the overlaying zone districts.

The Major Street Plan needs to be an item on the agenda for the next meeting scheduled April 22nd, 2008.

Commissioner Raley motioned to approved the minutes from the last Planning Commission Regular Meeting that was held on March 3rd, 2008.

Commissioner Jahn seconded the motion.

All were in favor and the motion carried.

Commissioner Comments

Chairperson Roberts reminded Commissioner Dearmin that if he chooses to not vote in the future that he will be required to state a reason.

Staff Comments

There were none.

Meeting Adjourned at 8:12 p.m.

Lee A. Barber, Executive Secretary